


Renewables & NEPA at the BLM

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Overview

- ▶ Third-Party Contracting
 - ▶ Using Our National Programmatic EISs
 - ▶ Connected and Cumulative Actions
 - ▶ Climate Change and NEPA
 - ▶ Federal Register Notices
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Third-Party Contracting

NEPA's 40 Most Asked Questions (#16):

- ▶ If a federal agency uses third-party contracting, the Applicant may undertake the necessary paperwork for the solicitation of a field of candidates under the agency's direction, so long as the lead agency complies with Section 1506.5(c).

Third-Party Contracting

Applicant's Responsibility:

- ▶ Solicit a field of contractors (i.e. lead the RFP process)
 - Receive and review proposals
 - Document a preferred contractor
 - Provide selection and documentation to the BLM


BLM's Responsibilities:

- ▶ Ensure that the preferred contractor is acceptable to BLM
- ▶ Ensure conflict of interest disclaimer has been submitted
- ▶ Establish MOU between BLM and the Applicant
- ▶ Furnish guidance to Contractor on NEPA
- ▶ Independently evaluate document prior to approval
- ▶ Take responsibility for scope and content of document

National Programmatic EISs for Renewable Energy

Programmatic EIS	Action	Land Use Plan Amendments	Status
Wind Energy AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY	Identifies lands suitable for wind energy ROW applications, BMPs, and procedures.	52 (none in AZ or CA)	ROD signed December 05
Geothermal Leasing AK, AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY	Identifies lands as open or closed to geothermal leasing and adopts stipulations, BMPs, and procedures for leasing.	114	ROD signed December 08
West-Wide Energy Corridors AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY	Designates energy transport corridors on federal lands suitable for proposed pipeline and transmission line ROW applications.	130	RODs signed January 09
Solar Energy AZ, CA, CO, NM, NV, UT	Will identify lands suitable for solar energy development, BMPs, procedures, and priority Solar Energy Zones.	TBD	Draft PEIS under development

Using Our Programmatic EISs

- ▶ The relationship between the PEIS and site-specific NEPA analyses will be described in the PEIS.
 - ▶ Generally, site-specific NEPA analysis should tier from the PEIS and identify and assess only those impacts or mitigation measures that are beyond the scope addressed in the PEIS.
 - ▶ Tiering can be particularly useful in the context of the cumulative impact analysis.
 - ▶ You may prepare an EA for an action with significant effects (direct, indirect or cumulative), if the EA is tiered to a broader EIS which fully analyzed those significant effects.
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Using Our Programmatic EISs

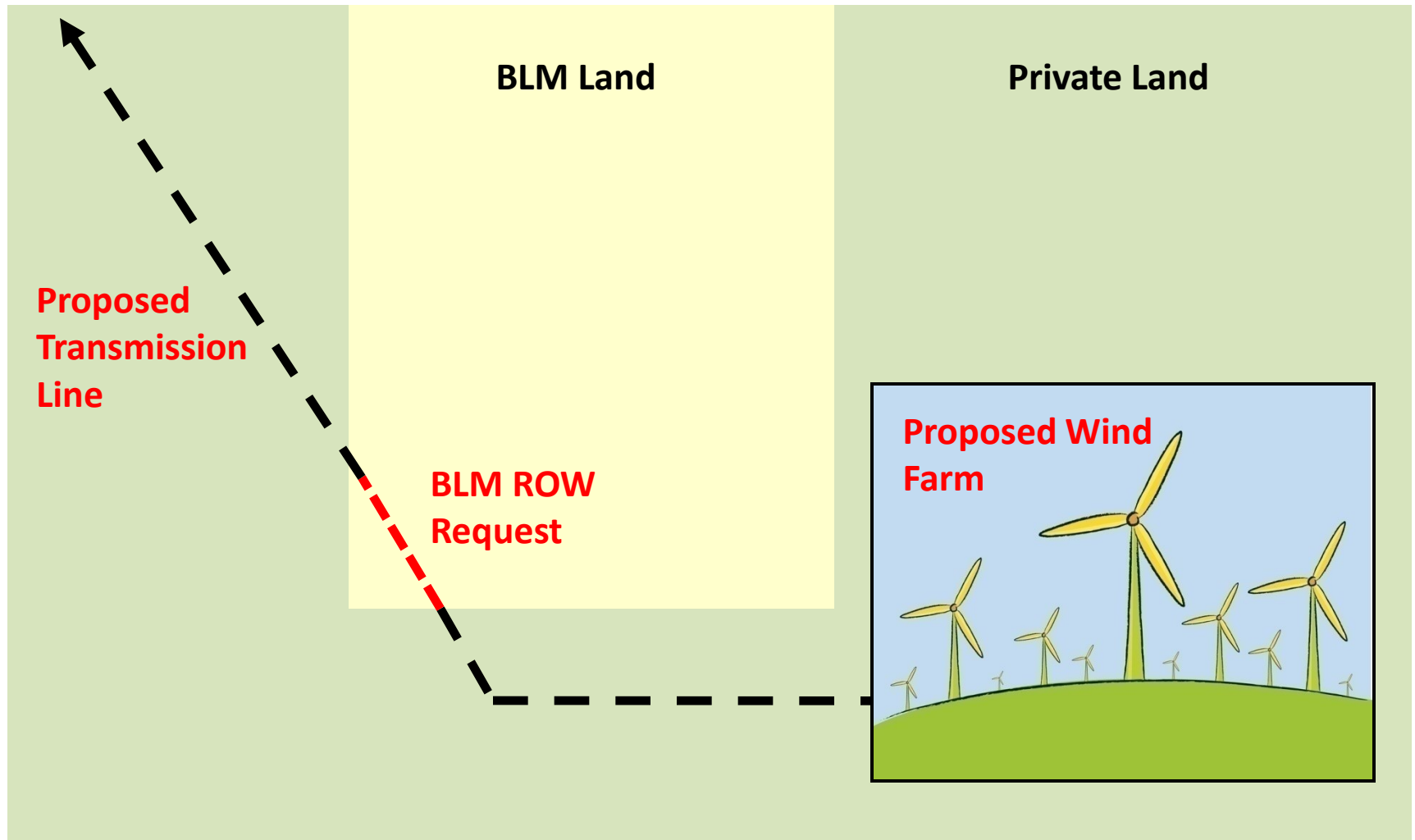
When preparing a tiered NEPA document:

1. State that it is tiered to another NEPA document
2. Describe the NEPA document to which it is tiered
3. Incorporate by reference the relevant portions of the NEPA document to which it is tiered (i.e. cite and summarize)

What if my plan was not amended by a PEIS?

- You can still incorporate by reference
- Consider undertaking an individual plan amendment to adopt the renewable program (NEPA will apply)

Small Federal Handle Projects



Connected & Cumulative Actions

Connected Actions:

- ▶ Actions that are “closely related” and should be discussed in the same NEPA document:
 - automatically trigger other actions
 - cannot or will not proceed unless other actions are taken previously or simultaneously
 - are interdependent parts of a larger action and depend upon the larger action for their justification

Cumulative Actions:

- ▶ Proposed actions which potentially have a significant impact together with the proposed actions and should be discussed in the same NEPA document

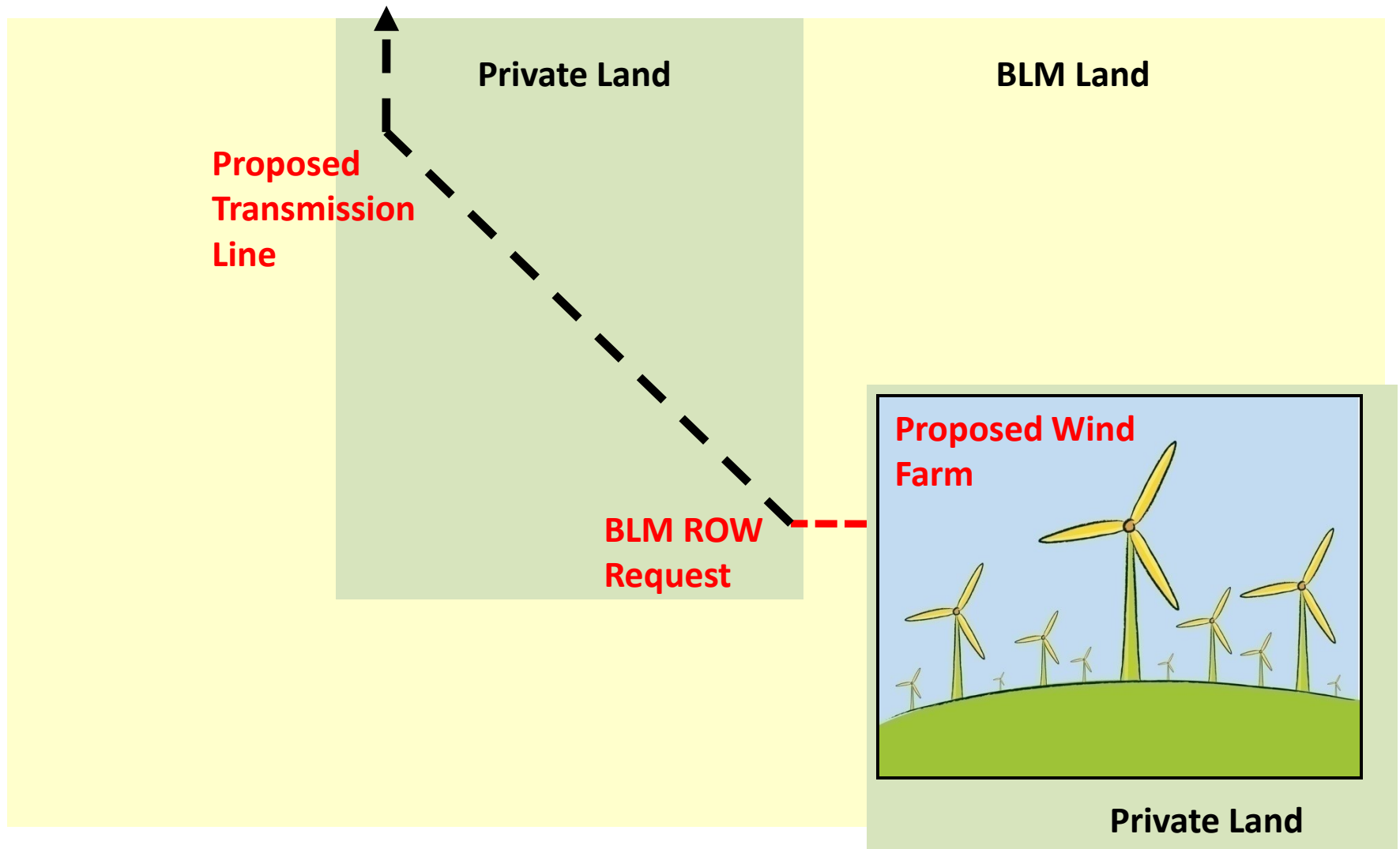
Connected & Cumulative Actions

Key Question:


(BLM NEPA Handbook Sec 6.5.2)

- ▶ Can the non-Federal action and its effects be prevented by BLM decision-making?
 - Yes – Connected actions; include as indirect effects, count towards the determination of significance.
 - No – Cumulative actions; include as part of cumulative effects analysis.

Project Can Be Prevented by BLM Decision-Making



Non-Federal Connected Actions

- ▶ The consideration of non-federal connected actions is limited in our NEPA analysis.
 - ▶ We are not required to include a non-Federal action together with a BLM proposed action as aspects of a broader proposal; proposals are limited to the Federal action.
 - ▶ We do not have to develop or present the purpose and need for the non-Federal action.
 - ▶ We do not have to consider alternatives available to the non-Federal party for its action.
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Climate Change and NEPA

1. How are the conditions of the resources affected by your action going to change over the life of the action as a result of climate change?
 - Affected Environment
2. How might the proposed action and alternatives contribute to or mitigate climate change?
 - Environmental Consequences

Climate Change and NEPA

Affected Environment

- ▶ Review available scientific assessments of regional impacts and climate change projections for the analysis area and decide if they are appropriate to incorporate. Consider:
 - If effects are observable and measurable
 - The source of the information
 - The specificity of the projections and relevance to the action area
 - The level of confidence in the projections
- ▶ As appropriate, discuss observed/expected effects of climate change on resources and resource uses


Climate Change and NEPA

Environmental Consequences

- ▶ Describe how the proposed actions and alternatives contribute to or mitigate climate change (Direct/ Indirect Effects)
 - Emissions of GHGs
 - Sequestration of GHGs
 - Converting CO₂ into oxygen (i.e., photosynthesis)
 - Influencing albedo (reflectivity)
- ▶ Discuss climate change cause-and-effect difficulty. Include a general description of other past, present, and reasonably foreseeable actions from around the globe which, together with the actions contemplated in the alternatives, contribute to the impacts of climate change (Cumulative Effects)

Climate Change and NEPA

For Assistance Contact:

- ▶ WO Division of Decision Support, Planning and NEPA (WO-210)
 - ▶ Washington Office and Regional Office SOLs
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Federal Register Notices

- ▶ Streamlining this process is critical to expedite NEPA schedules!
- ▶ Washington Office efforts:
 - Develop Notice templates for renewables projects
 - Develop standards for briefing materials and timelines for submittal
 - Hold consolidated briefing and nomenclature meetings
 - Conduct renewable project coordination meetings
 - Coordinate closely with Solicitor's Office
 - Work with the Department on a strategy for BLM delegation of Notices